

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT ENTERTAINMENT, LLC,

Plaintiff,

Case No. 21-cv-10661

Hon. Matthew F. Leitman

v.

AMERICAN GUARANTEE AND
LIABILITY INSURANCE COMPANY,

Defendant.

ORDER CONCERNING NEXT STEPS IN THIS LITIGATION

On February 23, 2022, the United States Court of Appeals for the Sixth Circuit issued its published decision in *Brown Jug, Inc. v. Cincinnati Insurance Company*, Sixth Circuit Case Nos. 21-2644, 21-2715, and 21-2718. *Brown Jug* may provide important guidance to the issues in dispute in this action.

On February 25, 2022, this Court held an on-the-record status conference with counsel for all parties to discuss the next steps in this action in light of *Brown Jug*. As discussed on the record, **IT IS HEREBY ORDERED** as follows:

- The Court will first take up Plaintiff's Motion to Certify to the Michigan Supreme Court (ECF No. 31). The parties shall each submit supplemental briefs related to that motion by no later than **March 11, 2022**. The briefs shall be no more than 10 pages.

- If the Court grants the motion to certify, it will stay this action. If the Court denies the motion to certify, it will at that time permit Plaintiff to file a Second Amended Complaint to revise and supplement its allegations in light of *Brown Jug*.
- Finally, the Court will **TERMINATE** Defendant's currently-pending motion to dismiss (ECF No. 21) **WITHOUT PREJUDICE AS MOOT** because it will grant Plaintiff leave to amend if it denies the motion to certify.

IT IS SO ORDERED.

Dated: February 25, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 25, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126